

To
United State Clerk,

REC-26/2023
JUN - 9 2023

You should receive 4 ~~separate~~ ^{BY:} envelopes
containing information needed for Complaint
for Violation of civil Rights. Please Respond
If all numbered envelopes are not received
So I, Joshua Frets can Look into the
matter. With hope you Receive all ⁴ pertaining
To Case # 2:23-cv-01644-Jm Y

Triley.
ful. fe
Joshua Frets

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

Case No. 2:23-cv-01694-JMY

(to be filled in by the Clerk's Office)

Joshua N. Frats

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Carbon County Correctional Facility
Administration

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

The Clerk will not file a civil complaint unless the person seeking relief pays the entire filing fee (currently \$350) and an administrative fee (currently \$52) in advance, or the person applies for and is granted in forma pauperis status pursuant to 28 U.S.C. § 1915. A prisoner who seeks to proceed in forma pauperis must submit to the Clerk (1) a completed affidavit of poverty and (2) a copy of the trust fund account statement for the prisoner for the six month period immediately preceding the filing of the complaint, obtained from and certified as correct by the appropriate official of each prison at which the prisoner is or was confined for the preceding six months. See 28 U.S.C. § 1915(a)(2).

If the Judge enters an order granting a prisoner's application to proceed in forma pauperis, then the order will assess the filing fee (currently \$350) against the prisoner and collect the fee by directing the agency having custody of the prisoner to deduct an initial partial filing fee equal to 20% of the greater of the average monthly deposits to the prison account or the average monthly balance in the prison account for the six-month period immediately preceding the filing of the complaint, as well as monthly installment payments equal to 20% of the preceding month's income credited to the account for each month that the balance of the account exceeds \$10.00, until the entire filing fee has been paid. See 28 U.S.C. § 1915(b). **A prisoner who is granted leave to proceed in forma pauperis is obligated to pay the entire filing fee regardless of the outcome of the proceeding, and is not entitled to the return of any payments made toward the fee.**

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Joshua N. Frets

All other names by which
you have been known:

Josh

ID Number

23-0057 21243

Current Institution

Carbon County Correctional Facility

Address

331 Broad Street

Nesquehoning

City

PA

State

18240-1801

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

James Youngkin

Job or Title (*if known*)Warden
N/A

Shield Number

Employer

Carbon County Correctional Facility

Address

331 Broad Street

Nesquehoning

City

PA

State

18240-1801

Zip Code

☐

Individual capacity

☒

Official capacity

Defendant No. 2

Name

Carbon County Correctional Facility Administration
AdministrationJob or Title (*if known*)

Shield Number

Employer

Carbon County Correctional Facility

Address

331 Broad Street

Nesquehoning

City

PA

State

18240-1801

Zip Code

☐

Individual capacity

☒

Official capacity

E.D.Pa. AO Pro Se 14 (Rev. 04/18) Complaint for Violation of Civil Rights

Defendant No. 3

Name

Sgt. Flexer

Job or Title (if known)

Sargent
N/A

Shield Number

Employer

Carbon County Correctional Facility

Address

331 Broad Street

Nesquehoning
CityPA
State18240-1801
Zip Code☐ Individual capacity☒ Official capacity

Defendant No. 4

Name

AOW Rimbey

Job or Title (if known)

Assistant Deputy Warden
N/A

Shield Number

Employer

Carbon County Correctional Facility

Address

331 Broad Street

Nesquehoning
CityPA
State18240-1801
Zip Code☐ Individual capacity☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Religious Land use and Institutionalized Persons Act
First Amendment Amendment § 14 Amendment

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
- *Not allowing me to observe Passover/Lent and non-meat diet
 Sgt Flexer - See Attached grievance
 ADW Rimbey - See Attached grievance/Request slip
 Warden Yarglin - See attached grievance/request slip
 Carbon County Correctional Facility Administration

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

N/A

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

On or About January 23, 2023 at the Carbon County Correctional Facility

C. What date and approximate time did the events giving rise to your claim(s) occur?

On or about January 23, 2023 @ 9 AM or about

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

January 23 2023 was the start of the following; Warden Yangkin, ABW Rimley and Sgt Flexor violated the Religious Land Use and Institutionalized Person Act (RLUIPA). On The above underlined names Denied me my non-meat diet due to lack of proof I was a Catholic During Intake/ would not give me "passover/Lent accommodations or my non-meat diet for religious reasons

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

mental Anguish - prescribed Olanzapine on March 30th 2023 for heighten Anxiety depression and paranoia by carbon County mental health department. Psychologist is still treating me for psychological, social & mental behaviors

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

A- Would like the carbon County Correctional facilities Administration to overhaul their policy and procedures on Religious Dealings. For them to follow all Local, State and Federal law.

B- Monetary Punitive damages at \$250,000.00 USD due to extreme mental anguish. Also, for all the days I was on hunger strike to support my sincerely held beliefs for a non-meat diet for passover observations and lent. Along with my vegetarian diet for Religious Reasons. To date I have yet to receive a proper vegetarian diet.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

RECEIVED
JUN - 9 2023

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Carbon County Correctional Facility

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

Asking why I was not allowed to observe passover/Lev
and given my non-aest diet due to a clergy member not coming into
the Carbon County Correctional Facility with official documents stating my
religious claims. Yet not putting up the same barrier for
Muslims to observe Ramadan

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

Carbon County Correctional Facility

2. What did you claim in your grievance?

* See Attached Exhibits

3. What was the result, if any?

To have clergy representative to physically come into CCCF
To deem ~~as~~ religiously necessary non-meat diet for Passover / Lent
& So forth

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Yes, appeal and on ~~February~~ ^{March} 20 2023 @ approx 7:30 am - 8:30 am
had a sit down meeting with Warden Younglin, Adam Rimbey, ADW Gassett
and Frank Shaebeck work release coordinator.

Case # 2:23-cv-01694-Jmy

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

* See Attached Motion with additional exhibits.

On or about ~~February~~^{March} 20th, 2023, met with Warden Younglin, ADW Limbey, ADW Gassat Work Release Director Frank Shaebeck to discuss matter, ^{which} was still denied Passover/Lent

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

Services along with my Vegetarian (non-meat) pending my proof via a clergy member ~~eght~~

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

E.D.Pa. AO Pro Se 14 (Rev. 04/18) Complaint for Violation of Civil Rights

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) N/A

2. Court (if federal court, name the district; if state court, name the county and State)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition.

N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment? N/A

E.D.Pa. AO Pro Se 14 (Rev. 04/18) Complaint for Violation of Civil Rights

☐ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) N/A

2. Court (if federal court, name the district; if state court, name the county and State)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 05/24/2023

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Joshua W. Frets
23-0057 21243
331 Broad Street
Nesquehoning PA 18240-1801
City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City State Zip Code

Telephone Number

E-mail Address

Joshua W. Frick
CARBON COUNTY CORRECTIONAL FACILITY
331 BROAD STREET
NESQUEHONING, PA 18240-1801



*Clerk of Courts of the
Eastern District of Pennsylvania
601 Market Street
Philadelphia, PA 19106*



1910631755 0019

U.S.M.S.
RAY

CARON COUNTY CORRECTIONAL FACILITY
331 BROAD ST.
NESQUEHONING, PA 18240-1801

2-08-4